



Bonnie Lowenthal, Vice Mayor, 1st District  
Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District

Gerrie Schipske, 5th District  
Laura Richardson, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, 9th District

Gerald R. Miller, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

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## FINISHED AGENDA & MINUTES

### ROLL CALL: (5:01 PM)

**Councilmembers** B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske,  
**Present:** Richardson, Reyes Uranga, Gabelich and Lerch

Also Present: Gerald Miller, City Manager; Christine Shippey, Assistant City Manager;  
Heather Mahood, Assistant City Attorney; Larry Herrera, City Clerk; Jerry Soriano,  
City Clerk Specialist.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Gary DeLong, Councilmember, Third District.

Pet Adoption: The spcaLA presented a feline.

Councilmember O'Donnell moved, seconded by Vice Mayor B. Lowenthal, that the minutes of the City Council Meeting of Tuesday, September 12, 2006 be approved.

Proclamation Presented for Muscular Dystrophy Awareness Day. (5:05 PM)

Councilmember Reyes Uranga spoke regarding the National Women's Leadership Conference.

Larry Herrera, City Clerk, announced that Agenda Item Nos. 19 and 35 had been withdrawn.

**CONTINUED HEARING: (5:09 PM)**

1. [06-0826](#) Continue the item amending the Downtown Planned Development District (PD-30) related to creation of a Downtown Loft District to the October 17, 2006 meeting. (Districts 1 and 2)  
  
**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember S. Lowenthal, to continue the item to the October 17, 2006 meeting. The motion carried by the following vote:**  
  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**HEARINGS: (5:10 PM)**

2. [06-0957](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Noble/Utah Long Beach LLC, dba The Westin Long Beach, 333 E. Ocean Blvd., for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)  
Pam Horgan, Commercial Services Bureau, provided the staff report.  
  
**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**  
  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch
3. [06-0958](#) Recommendation to receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Frisco's Food Services, dba Frisco's Restaurant, 4750 Los Coyotes Diagonal, for a Permit for Entertainment Without Dancing by Patrons at an existing restaurant. (District 4)  
  
**A motion was made by Councilmember O'Donnell, seconded by Councilwoman Richardson, to continue the item to the October 17, 2006 meeting in order to maintain continuity in current business operations. The motion carried by the following vote:**  
  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

4. [06-0959](#)

Recommendation to receive the supporting documentation into the record, conclude the public hearing on the proposed amendments to the Zoning Regulations, and declare ordinance, prohibiting stores greater than 100,000 square feet in size that have greater than 10 percent of floor area dedicated to non-taxable merchandise with exemptions for merchandise clubs that sell primarily bulk merchandise, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-10) (Citywide);

Greg Carpenter, Planning Bureau Manager, provided the staff report.

Councilmember Lerch spoke.

**A motion was made by Councilmember Lerch, seconded by Councilmember DeLong, that the item be laid over to the October 10, 2006 meeting.**

Councilmember Reyes Uranga spoke.

**A substitute motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga and Gabelich

**Noes:** 2 - DeLong and Lerch

[06-0980](#)

Recommendation to declare ordinance amending PD-25 read the first time and laid over to the next regular meeting of the City Council for final reading (District 6);

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga and Gabelich

**Noes:** 2 - DeLong and Lerch

06-0981

Recommendation to declare ordinance amending PD-29 read the first time and laid over to the next regular meeting of the City Council for final reading (Districts 1,6,7):

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga and Gabelich

**Noes:** 2 - DeLong and Lerch

06-0982

Recommendation to declare ordinance amending PD-30 read the first time and laid over to the next regular meeting of the City Council for final reading (Districts 1,2);

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga and Gabelich

**Noes:** 2 - DeLong and Lerch

06-0960

Recommendation to declare ordinance, establishing new fees associated with condominium conversions, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-11) (Citywide);

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilwoman Schipske, that the item be laid over for 30 days and request City Manager to bring forward a recommendation for a development impact fee rate and the number of units required, and/or retail sales price and a development project to trigger a fee; request City Manager to bring forward a recommendation for Redevelopment Agency set aside funds to be allocated to the housing trust fund; and City Manager return with his recommendations to the City Council within 30 days.**

**A substitute motion was made by Councilmember B. Lowenthal, seconded by Councilmember Reyes Uranga, to approve recommendation.**

Greg Sharp spoke.

Tom Worthel spoke.

Katie Lynch spoke.

Joel Doyche spoke.

Monica Pareya spoke.

Unidentified woman spoke.

Veronica Davalos spoke.

Unidentified woman spoke.

Ben Rockwell spoke.

Todd Bold spoke.

Andrew Kinkade person spoke.

Cheryl Rubelroboski spoke.

Allen Hose spoke.

Suzanne Brown spoke and distributed information.

Sidney Tibetho spoke.

Maria Giesey spoke.

Richard Crouch spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilmember S. Lowenthal spoke.

Councilmember DeLong spoke.

Councilmember Reyes Uranga spoke.

Councilmember Lerch spoke.

Councilwoman Richardson spoke.

Councilmember DeLong spoke.

Councilmember S. Lowenthal spoke.

Councilwoman Gabelich spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Gabelich spoke.

Vice Mayor B. Lowenthal spoke.

Councilwoman Schipske spoke.

Mike Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Mike Mais, Assistant City Attorney, spoke.

**A second substitute motion was made by Councilmember DeLong, seconded by Councilmember S. Lowenthal, to continue the matter for the purpose of allowing the City Manager to prepare a report considering alternative revenue sources, including but not limited to, Redevelopment Agency set-aside funds to be included in the Housing Trust Fund, and exploring the imposition of an impact fee on new development where the fees would also be deposited in the Housing Trust Fund. The motion carried by the following vote:**

**Yes:** 5 - S. Lowenthal, DeLong, O'Donnell, Schipske and Gabelich

**Noes:** 4 - B. Lowenthal, Richardson, Reyes Uranga and Lerch

06-0961

Recommendation to declare ordinance, reclassifying painting contractors from a prohibited use to a permitted use relative to home occupation uses, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-13) (Citywide); Councilwoman Schipske spoke.

Suzanne Frick, Director of Planning and Building, spoke.

Councilwoman Schipske spoke.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Noes:** 1 - Schipske

06-0962

Recommendation to declare ordinance, amending the City's residential density bonus standards to conform with the State of California residential regulations, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-14) (Citywide); and

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

06-0963

Recommendation to adopt resolution submitting applicable ordinance amendments to the California Coastal Commission as Implementing Resolutions for the City's Local Coastal Plan.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember Lerch, to approve recommendation and adopt Resolution No. RES-06-0110. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-06-0110

**PUBLIC COMMENT: (6:50 PM)**

Thomas Murphy spoke regarding the Catalina Race that took place 80 years ago.

Dave San Jose spoke regarding the 90800 bike program.

Mayor Foster spoke.

Bill Orton spoke in support of police officer salary proposals and distributed his written comments.

Allen Hose spoke regarding the writ of Habeus Corpus.

Janet Wright spoke regarding the loss of IAMAW (International Association of Machinist and Aeospace Workers) represented positions.

Mayor Foster spoke.

Carl Rogers spoke regarding IAMAW (International Association of Machinist and Aeospace Workers) represented positions.

Mayor Foster spoke.

[06-0989](#) Bill Orton spoke in support of police officer salary proposals and submitted his written comments.

**This Handout was received and filed.**

**CONSENT CALENDAR: (7:12 PM)**

Motion to approve Consent Calendar Items 5-23, except for Items 5 and 9.



5. [06-0979](#)

Recommendation to receive and file the Public Safety Advisory Commission Tobacco Permit Program.

Distributed at meeting: PowerPoint presentation of the City of Los Angeles, Tobacco Enforcement Program.

Vice Mayor B. Lowenthal spoke.

Jessica Quintana, Public Safety Advisory Commission, spoke.

Norma Mansanilla, City of Los Angeles, spoke.

Carmenanne Tolksdorf, Coalition for a Smoke Free Long Beach, spoke.

Ben Rockwell spoke.

Councilwoman Gabelich spoke.

Gerald Miller, City Manager, spoke.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Schipske spoke.

Norma Mansanilla, City of Los Angeles, spoke.

Vice Mayor B. Lowenthal spoke.

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember S. Lowenthal, to approve recommendation and request the City Manager, with the assistance of the Department of Health and Human Services, assist the City Attorney in drafting a comprehensive and cost effective tobacco retail permit program, and any needed ordinances, for all businesses in the City of Long Beach that sell tobacco products to prevent illegal tobacco sales to underage youth. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

Passed The Consent Calendar

**A motion was made by Councilmember B. Lowenthal, seconded by Councilwoman Richardson, to approve Consent Calendar Items, except for items. The motion carried by the following vote:**

**Yes:** 7 - B. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga and Lerch

**Absent:** 2 - S. Lowenthal and Gabelich

6. [06-0966](#) Recommendation to authorize City Manager to execute a Second Amendment to Contract with legal counsel Wickwire Gavin LLP to add \$200,000 and to substitute the law firm of Akerman, Senterfitt LLP in the matter entitled, Leonard McSherry v. City of Long Beach, et al., Case No. CV 02-03767.  
**A motion was made to approve recommendation on the Consent Calendar.**
7. [06-0926](#) Recommendation to refer to City Attorney damage claims received between September 7, 2006 and September 14, 2006.  
**A motion was made to approve recommendation on the Consent Calendar.**
8. [06-0965](#) Recommendation to receive and approve changes for the Biennial Conflict of Interest Code Review for departments and commissions.  
**A motion was made to approve recommendation on the Consent Calendar.**
9. [06-0928](#) Recommendation to receive and file annual report of the Downtown Long Beach Parking and Business Improvement Area, approve the proposed budget for Fiscal Year 2007, and authorize City Manager to execute a contract with the Downtown Long Beach Associates for the period of October 1, 2006 through September 30, 2007.  
(Districts 1,2)  
Councilmember S. Lowenthal spoke.  
**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember B. Lowenthal, that the item be continued and brought back to the City Council when additional background information becomes available. The motion carried by the following vote:**  
**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

10. [06-0929](#) Recommendation to refer to Hearing Officer Appeal to Denial of Business License by Biggs, LLC, dba Biggs, 4722 E. 2nd Street. (District 3)  
**A motion was made to approve recommendation on the Consent Calendar.**
11. [06-0930](#) Recommendation to authorize City Manager to execute First Amendment to Contract No. 27423 with Tier Technologies to shorten cancellation clause from one year to six months, and to reduce annual contract amount from \$255,670 to \$147,900 in Fiscal Year 2007. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
12. [06-0931](#) Recommendation to adopt Specifications No. PA-01206 and award contracts to Specialized Environmental, Inc., Vizion's West, Inc., Universal Abatement Services, Asbestos Instant Response, Inc., and Watson Painting Corporation for lead-based paint removal and control, in the total estimated annual amount of \$500,000 for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)  
**A motion was made to approve recommendation on the Consent Calendar.**
13. [06-0933](#) Recommendation to adopt resolution authorizing City Manager to execute a 36-month Lease of Copier Equipment, Consent to Assignment Agreement, Sales Orders, Supply Service Contracts, Cost per Copy Service Agreements, and amendments to extend the contract with Konica Minolta Business Solutions U.S.A., Inc., to provide photocopiers, color printers and copier vending machines. (Citywide)  
**A motion was made to approve recommendation and adopt Resolution No. RES-06-0111 on the Consent Calendar.**  
**Enactment No: RES-06-0111**
14. [06-0932](#) Recommendation to authorize City Manager to execute an Oil and Gas Lease and Wellbore Agreement between the City of Long Beach and the Terra Exploration & Production Company regarding Oil Well "Rose 12," and authorize City Manager to execute any subsequent amendments to the Agreement. (District 7)  
**A motion was made to approve recommendation on the Consent Calendar.**

15. [06-0935](#) Recommendation to receive and file the application of Delfino Jaramillo, dba Yanga Mini Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 732 E. 7th Street, with existing conditions. (District 1)  
**A motion was made to approve recommendation on the Consent Calendar.**
16. [06-0937](#) Recommendation to receive and file the application of 7 Eleven Incorporated, dba 7 Eleven Store 2174 25314D, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1785 Palo Verde Avenue, with existing conditions. (District 3)  
**A motion was made to approve recommendation on the Consent Calendar.**
17. [06-0938](#) Recommendation to receive and file the application of Peter Tang, dba Young's Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6432 Paramount Boulevard, with existing conditions. (District 9)  
**A motion was made to approve recommendation on the Consent Calendar.**
18. [06-0939](#) Recommendation to authorize City Attorney to accept an easement deed for additional sidewalk area at southwest corner of Seventh Street and Redondo Avenue. (District 2)  
**A motion was made to approve recommendation on the Consent Calendar.**
19. 06-0940 WITHDRAWN  
~~Recommendation to find that all requirements of the final subdivision map have been satisfied and approve the map for Tract No. 61304 located at the southwest corner of The Promenade and Third Street. (District 2)~~  
**This Agenda Item was withdrawn.**
20. [06-0941](#) Recommendation to authorize a public walkways occupancy permit for sidewalk dining at Sunnin Lebanese Café located at 5110 East Second Street. (District 3)  
**A motion was made to approve recommendation on the Consent Calendar.**

21. [06-0942](#) Recommendation to authorize City Manager to enter into an Other Transaction Agreement with the U.S. Transportation Security Administration (TSA) and any necessary amendments, so that the City's Public Works Department can "contract in", as necessary, to design, project manage, and construct the employee safety enhancements required of the TSA by the Federal Occupational Safety and Health Administration (OSHA). (District 5)

**A motion was made to approve recommendation on the Consent Calendar.**

22. [06-0927](#) Recommendation to receive and file minutes of:  
Planning Commission - May 4, June 15, July 6 and August 3, 2006  
Water Commission - August 3, 2006

**A motion was made to approve recommendation on the Consent Calendar.**

23. [06-0977](#) Recommendation to approve Proclamation presented for Muscular Dystrophy Awareness Day.

**A motion was made to approve recommendation on the Consent Calendar.**

**REGULAR AGENDA: (7:39 PM)**

24. [06-0968](#) Recommendation to receive and file report on attendance at the League of California Cities 2006 Annual Conference and Exposition in San Diego, CA and Long Beach, Mississippi trip.

**A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

25. [06-0974](#) Recommendation to receive and file report on the League of California Cities 2006 Annual Conference on September 6 - 9, 2006 in San Diego, CA.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

26. [06-0973](#)

Recommendation to receive and file report on the National Latino Congreso on September 6 - 10, 2006 in Los Angeles, CA.

**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Richardson, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

27. [06-0969](#)

Recommendation to request City Manager to initiate a downtown visioning process that would include appropriate City Council offices, City departments, Downtown stakeholders, businesses and residents, in an effort to address future development patterns and the mixture of uses including, heights, densities, parking, circulation and appropriate uses to create a vibrant, successful downtown.

Councilmember S. Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilmember O'Donnell spoke.

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember Reyes Uranga, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - B. Lowenthal

Agenda Item No. 28 was considered following Agenda Item No. 32 and prior to Agenda Item No. 33.

28. [06-0975](#)

Recommendation to receive and file report on the 38th Annual Legislative Conference held by the Congressional Black Caucus Foundation on September 8 - 10, 2006 in Washington D.C.

Councilwoman Richardson spoke.

**A motion was made by Councilwoman Richardson, seconded by Councilwoman Schipske, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

29. [06-0970](#) Recommendation to direct City Manager to request the Trust for Public Lands to pursue acquiring the Wrigley Heights property north of the 405 Freeway between the Los Angeles River and the Metro Blue Line tracks for the preservation of open space and incorporation into the Long Beach RiverLink plan.  
Councilwoman Gabelich spoke.  
  
Councilmember Reyes Uranga spoke.  
  
Councilmember O'Donnell spoke.  
**A motion was made by Councilwoman Gabelich, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch  
**Absent:** 1 - Richardson
30. [06-0971](#) Recommendation to request City Attorney to draft a resolution in recognizing Hispanic Heritage Month.  
Councilmember Reyes Uranga spoke.  
**A motion was made by Councilmember Reyes Uranga, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch  
**Absent:** 2 - DeLong and Richardson
31. [06-0972](#) Recommendation to request a City Proclamation in honor of the 2006 ABWA National Women's Leadership Conference.  
**A motion was made by Councilmember Reyes Uranga, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 7 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Reyes Uranga, Gabelich and Lerch  
**Absent:** 2 - DeLong and Richardson

32. [06-0944](#)

Recommendation to approve and authorize the payment of \$1.5 million to the Redevelopment Agency for the acquisition of property at 4258-4260 Atlantic Avenue for \$1,350,000 plus closing costs and subsequent tenant improvements; and increase appropriation in the Planning and Building Department (PB) General Grants Fund (SR 120) by \$1,500,000. (District 8)

Gerald Miller, City Manager, spoke.

Patrick West, Director of Community Development, provided the staff report.

Thomas Murphy spoke.

Councilwoman Gabelich spoke.

**A motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to approve recommendation with the amendment to allow to be prepared, a right of entry agreement in order to prepare for Smithsonian Week in a timely manner. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

Agenda Item No. 28 was considered at this time.



33. [06-0945](#)

Recommendation to authorize City Manager to execute a lease amendment to Lease No. HD-4436 to extend the term to March 31, 2072; and accept a pre-payment of rent for the entire extended term to facilitate the rehabilitation and continued operation of the Coast Hotel at 600 Queensway Drive. (District 2)

Ben Rockwell spoke.

Councilwoman Gabelich spoke.

Gerald Miller, City Manager, spoke.

Thomas Murphy spoke.

Councilwoman Richardson spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilwoman Richardson, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

34. [06-0943](#)

Recommendation to authorize City Manager to execute a Fifth Amendment to Agreement No. 26085 to extend the contract term to December 31, 2006 with ACE Parking Management, Inc., to provide parking management services in the Downtown area. (Districts 1, 2)

Thomas Murphy spoke.

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - Schipske

35. 06-0946

WITHDRAWN

~~Recommendation to authorize City Manager to execute the Third Amendment to Lease No. 23509 with BANCAP Marina Center, Inc. a California corporation, for City owned property at 241 - 255 Marina Drive to decrease the annual base rent to \$360,000 and increase the percentage rent to 75 percent. (District 3)~~

**This Agenda Item was withdrawn.**

36. [06-0889](#) Recommendation to adopt resolution authorizing issuance and sale of the 2006 Open Space lease revenue bonds to fund the expansion of parks and open space in underserved communities, in an amount not to exceed \$25 million, and authorize City Manager to execute all necessary documents. (District 1,2,4,6,7,9)  
Mayor Foster spoke.  
**A motion was made by Councilmember B. Lowenthal, seconded by Councilwoman Richardson, to approve recommendation and adopt Resolution No. RES-06-0112. The motion carried by the following vote:**  
**Yes:** 7 - B. Lowenthal, DeLong, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch  
**Absent:** 2 - S. Lowenthal and Schipske  
**Enactment No:** RES-06-0112
37. [06-0890](#) Recommendation to approve Fiscal Year 2006 fourth quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)  
**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**  
**Yes:** 7 - B. Lowenthal, DeLong, O'Donnell, Richardson, Reyes Uranga, Gabelich and Lerch  
**Absent:** 2 - S. Lowenthal and Schipske
38. [06-0947](#) Recommendation to refer the Fiscal Year 2006 Third Quarter Budget Performance Report to the Budget Oversight Committee. (Citywide)  
**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and refer to the Budget Oversight Committee. The motion carried by the following vote:**  
**Yes:** 8 - B. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch  
**Absent:** 1 - S. Lowenthal

39. [06-0948](#)

Recommendation to authorize City Manager to execute a lease-purchase agreement and related financing documents with Bank of America Public Capital Corporation for the financing of ambulances, Fire rescue boats and a debris skimmer boat in an amount not to exceed \$2,495,000 including interest, payable over a seven-year period. (Citywide)  
Thomas Murphy spoke.

**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

40. [06-0949](#)

Recommendation to adopt resolution authorizing City Manager to submit a grant application through the Recreational Trails Program of the State of California, Department of Parks and Recreation, in the amount of \$305,805 for the Red Car Greenway Trail Project, and based on the receipt of the grant and other funding, to execute any documents necessary for the implementation and administration of the project at a total cost of \$1,161,180. (District 6)  
Thomas Murphy spoke.

**A motion was made by Councilwoman Richardson, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Resolution No. RES-06-0113. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** RES-06-0113

41. [06-0950](#)

Recommendation to authorize City Manager to execute an agreement with EDAW Associates for FY 07 and FY 08, for an amount not to exceed \$970,000, to assist in the City's General Plan Update;

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

06-0951

Recommendation to authorize City Manager to execute an agreement with CITYWORKS Design for FY 07 and FY 08, for an amount not to exceed \$180,000, to assist in the City's General Plan Update; and

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

06-0952

Recommendation to authorize City Manager to extend the term of each agreement for an additional one-year term, if necessary, and further authorize City Manager to amend the Scope of Services provided by the consultants, if necessary within the not to exceed amounts. (Citywide)  
Councilwoman Gabelich spoke.

Suzanne Frick, Director of Planning and Building, presented the staff report.

Councilwoman Gabelich spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**42.** 06-0936

Recommendation to receive and file the application of Vintners Paradise LLC, dba Seaport Winery, for an original Alcoholic Beverage Control License, at 429 Shoreline Village Drive Suites E & F, with conditions. (District 2)

**A motion was made by Councilmember S. Lowenthal, seconded by Councilmember B. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

43. [06-0955](#)

Recommendation to receive and file the Public Works Department's Adopt-A-Waterway/Ecozone Program Presentation. (Citywide)  
Distributed at meeting: A packet of information regarding the Ecozone program.

Vice Mayor B. Lowenthal spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember S. Lowenthal spoke.

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

44. [06-0956](#)

Recommendation to authorize City Attorney to extend the Statute of Limitations until January 5, 2007, in order to engage in future negotiations with Airport Project Appellants. (District 5)

**A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:**

**Yes:** 8 - B. Lowenthal, S. Lowenthal, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Absent:** 1 - DeLong

45. [06-0953](#)

Recommendation to adopt Plans and Specifications No. R-6527 for the Construction of Jack Nichol Park; and authorize City Manager to award the contract to Pima Corporation, in an estimated amount of \$959,500, plus a 15% contingency amount, if necessary, and execute all necessary documents related to the contract; and

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember S. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

[06-0954](#)

Recommendation to decrease appropriations in the Tidelands Fund (TF) in the Department of Parks, Recreation & Marine (PR); and increase appropriations in the Tidelands Fund (TF) in the Department of Public Works (PW) by \$975,000. (District 3)

Councilmember O'Donnell spoke.

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember S. Lowenthal, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**ORDINANCES: (8:51 PM)**

46. [06-0964](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 10.32.110 relating to preferential residential parking, modifying Preferential Parking District "R" read the first time and laid over to the next regular meeting of the City Council for final reading. (District 4)

**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

47. [06-0967](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.14.020, Subsection A, relating to traffic operations read the first time and laid over to the next regular meeting of the City Council for final reading. (District 8)

**A motion was made by Councilwoman Gabelich, seconded by Councilmember S. Lowenthal, that the item be laid over to the October 10, 2006 meeting. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

48. [06-0887](#)

Recommendation to declare ordinance approving the Belmont Shore Parking and Business Improvement Area program continuing the assessment for the period of October 1, 2006 through September 30, 2007 with an increased assessment rate, read and adopted as read. (District 3)

**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-06-0036. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-06-0036

49. [06-0888](#)

Recommendation to declare ordinance approving the Bixby Knolls Parking and Business Improvement Area program continuing the assessment for the period of October 1, 2006 through September 30, 2007 with a decreased assessment rate, read and adopted as read. (Districts 7,8)

**A motion was made by Councilmember DeLong, seconded by Councilmember B. Lowenthal, to approve recommendation and adopt Ordinance No. ORD-06-0037. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-06-0037

50. [06-0867](#)

Recommendation to declare Appropriations Ordinance for FY 2006 - 07, creating and establishing the funds of the Municipal Government and appropriating money to and authorizing expenditures from said funds for said fiscal year, read and adopted as read. (ORD-06-0032) (Citywide)

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-06-0032. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-06-0032

51. [06-0854](#)

Recommendation to declare ordinance approving Resolution No. WD-1219, establishing the rates and charges for water and sewer service to all customers, as adopted by the Board of Water Commissioners on August 17, 2006, read and adopted as read. (Citywide)

**A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-06-0038. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-06-0038

52. [06-0916](#)

Recommendation to declare ordinance relating to the elimination of certain references to user fees and charges from the Long Beach Municipal Code, and relating to resolution establishing a partial schedule of fees and charges for specified City services for the Departments of Community Development, Financial Management, Fire, Health and Human Services, Parks, Recreation and Marine, Planning and Building, Police, and Public Works, read and adopted as read. (Citywide)

**A motion was made by Councilmember B. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and adopt Ordinance No. ORD-06-0039. The motion carried by the following vote:**

**Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch

**Enactment No:** ORD-06-0039



**NEW BUSINESS: (8:55 PM)**

53. [06-0983](#) Recommendation to authorize City Manager to execute the renewal of contracts with PacifiCare for the Health Maintenance Organization (HMO) group health plan; Delta Dental for the fee-for-service dental plan; PacifiCare Dental for the closed-panel dental plan; Standard Insurance Company for Long and Short Term Disability; and Union Mutual Life Insurance Company (UNUM) through Larry Lambert & Associates Insurance Services for the long-term care benefits;
- Authorize City Manager to execute an amendment to extend the existing contract on a month-to-month basis with Great-West Life, the City's Third Party Administrator for the Preferred Provider Organization (PPO) and the Point of Service (POS) group health plans and to continue the City's self-funded, in-hospital indemnity program administered by Great-West Life; and
- Authorize City Manager to execute any subsequent amendments necessary to maintain current benefit levels and remain in compliance with state and federal laws on all plans. (Citywide)
- Gerald Miller, City Manager, spoke.
- A motion was made by Councilwoman Richardson, seconded by Councilwoman Gabelich, to approve recommendation. The motion carried by the following vote:**
- Yes:** 9 - B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Richardson, Reyes Uranga, Gabelich and Lerch
54. Affidavit of Service for meeting held Tuesday, September 19, 2006. (8:57 PM)

**ANNOUNCEMENTS:**

Councilmember Reyes Uranga made community announcements, and requested that the meeting adjourn in memory of Louis Clark and Natalia Hernandez.

Councilwoman Richardson made community announcements.

Councilmember S. Lowenthal made community announcements.

Councilmember O'Donnell made community announcements, and requested that the meeting adjourn in memory of Louis Clark.

Vice Mayor B. Lowenthal made community announcements, and requested that the meeting adjourn in memory of Louis Clark.

Councilwoman Gabelich made community announcements.

**ADJOURNMENT: (9:13 PM)**

At 9:13 P.M., Mayor Foster adjourned the meeting in memory of Louis Clark and Natalia Hernandez.

adb